* BEFORE THE * DEPUTY ZONING COMMISSIONER

* OF BALTIMORE COUNTY

* Case No. 93-448-SPH Premelia DeCorse and Karen D. Snyder - Petitioners *

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owners of the subject property, Premelia E. DeCourse and her granddaughter, Karen D. Snyder. The Petitioners request a special hearing to approve the creation of a 7.35 non-density parcel zoned R.C. 2 and the creation of a .56 non-density parcel zoned R.C. 5, as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were four generations of the DeCorse family, namely Premelia E. DeCorse (Great-Grandmother), Robert E. DeCorse (Grandfather), Karen DeCorse Snyder (Daughter), and Mrs. Snyder's young daughter (Great-Granddaughter). There were no Protestants.

Testimony indicated that the subject property, known as 16605 Hereford Road, consists of 10.56 acres, more or less, of which 7.35 acres are zoned R.C. 2 and 3.21 acres are zoned R.C. 5. Said property was originally part of a larger tract containing 128.082 acres which was purchased by Premelia DeCorse and her husband in June 1955. Since 1955, Mrs. DeCorse has conveyed out various parcels of her land to different members of her family. between 1972 and 1988, Mrs. DeCorse conveyed 23.93 acres, entirely zoned R.C. 5, to her son, Robert E. DeCorse. This parcel is shaded in brown on Petitioner's Exhibit 1. In 1988, Mrs. DeCorse conveyed out one 10.00 acre parcel to each of her granddaughters, Christine DeCorse and

Karen DeCorse Snyder. These two parcels are shaded in green and yellow, respectively, on Petitioner's Exhibit 1. Premelia DeCorse retained for herself the remaining acreage, which is shaded in blue on Petitioner's Exhibit 1, and consists of approximately 84.252 acres split zoned R.C. 2 and R.C. 5.

The property which is the subject of this special hearing request involves only the 10.00 acre parcel conveyed to Karen DeCorse Snyder and a smaller, pie-shaped parcel of land containing .56 acres which is located in the northwestern corner of the parcel retained by Premelia DeCorse. adjacent to Mrs. Snyder's holdings. This .56 acre parcel is zoned R.C. 5 and is shaded in yellow on Petitioner's Exhibit 1. Mrs. DeCorse testified that she wishes to retain this .56 acre parcel for non-density purposes and that it is currently used in conjunction with agricultural uses on the adjoining R.C. 2 zoned land. Testimony indicated that this .56 acre parcel does not contain sufficient acreage to support a dwelling and would not have utility as far as density purposes are concerned. The 10.00 acre parcel owned by Karen DeCorse Snyder is split zoned R.C. 5 and R.C. 2. Mrs. Snyder is desirous of developing the R.C. 5 zoned portion of the site with a dwelling and retaining the remaining R.C. 2 zoned land as a non-density parcel which would remain undeveloped and unimproved.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship would result if the relief requested in the special hearing were not granted as to the creation of the 7.35 acre parcel as a non-density tract of land. This property should be utilized for agricultural purposes and no improvements or structures should be placed thereon. However, I believe a better utilization of the .56 acre parcel would be to convey same to the Snyders for

- 2-

residential purposes in conjunction with the proposed residential development on the R.C. 5 zoned portion of their property and I shall so order. Inasmuch as this small, pie-shaped parcel of land does not contain sufficient acreage for a residence to be constructed thereon, it would not be suitable for dwelling purposes and would have to remain unimproved. By conveying this parcel to the Snyders, the property will have some utility in that the Snyders can use this parcel for residential purposes and incorporate it as part of their yard space. Further, this conveyance will prevent an undersized lot from being created in an R.C. 5 zone. Therefore. the request to create this .56 acre parcel of R.C. 5 zoned land for nondensity purposes shall be denied and Mrs. DeCorse shall be required to convey same to her grandaughter, Karen DeCorse Snyder.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the Petition for Special Hearing shall be granted in

Baltimore County this 21th day of July, 1993 that the Petition for Special Hearing requesting approval of the creation of a 7.35 non-density parcel zoned R.C. 2, in accordance with Petitioner's Exhibit 1, be and is

20

IT IS FURTHER ORDERED that the .56 acre parcel zoned R.C. 5 be conveyed to Karen Decorse Snyder and her husband, Gino Snyder, for utilization in conjunction with the proposed residential development on the R.C. 5 zoned portion of their property, subject to the following restrictions:

> 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

> > - 3-

part and denied in part.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for hereby GRANTED; and,

30

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

July 28, 1993

Mrs. Premelia DeCorse 824 E. Piney Hill Road

RE: PETITION FOR SPECIAL HEARING E/S Hereford Road, approx. 1750' N of Piney Hill Road (16605 Hereford Road) 7th Election District - 3rd Councilmanic District Premelia E. DeCorse and Karen D. Snyder - Petitioners

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours, TIMOTHY M. KOTROCO Deputy Zoning Commissioner for Baltimore County

TMK:bjs

cc: Mrs. Karen D. Snyder 3535 Buena Vista Avenue, Baltimore, Md. 21211

People's Counsel

Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at 16605 Hereford Road which is presently zoned RC2/RC5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County, to determine whether or not the Zoning Commissioner should approve The creation (after the fact) of a 7.35 non-density parcel (RC-2) and the creation of a .56 non-density percel (9C-5)

Dronothy is to be posted and advertised as prescribed by Taxing Described
Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and
are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

JOHOK OLD MAKE	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
10 ()	Lagal Owner(a):
Months 16. We dear	(Type or Print Name)
PREMEIR B. DECRESE	Starred Augle
824 E. PINEY HILL RD.	(Type or Print Name)
HONKTON HD 21111 y State Zipcode	Signature
tomey for Petitioner:	3535 BruenA VISTA ANE (410) 527-0200
rpe or Print Name)	PASTIMALE HD 2-12-11 City State Zipcode Name, Address and phone number of legal owner, contract purchaser or representative
jnature	Robert E. DE GILSE SK.
dress Phone No.	10916 YORK RA (410)527-0200 Address Prome No.
y State Zipcode	CFFICE USE ONLY ESTIMATED LENGTH OF HEARING unovaliable for Hearing
	the following dates Head Two Months ALLOTHER

JOHN DEW · REGISTERED LAND SURVEYOR · 16350 MATTHEWS RD., MONKTON, MD. 21111 · (410) 472-2860

May 28, 1993

DESCRIPTION OF 0.5515 ACRE PARCEL, PART OF DECORSE PROPERTY, ZONED RC5

Beginning for the same at a point in the last or nineteenth line of a parcel of land which by deed dated June 16, 1955 was conveyed by Bettie W. Price, widow, to Elsworth B. DeCorse and Premelia E. DeCorse, his wife, and recorded among the Land Records of Baltimore County in Liber G.L.B. 2718, folio 452, at a point measured 300 feet from the end of said last line, where said line is intersected by the fourth line of a parcel of land which by deed dated January 16, 1989, one fourth interest was granted by said Premelia E. DeCorse to Karen DeCorse Snyder, and recorded among the aforesaid Land Records in Liber S.M. 8103, folio 468; thence binding reversely on said fourth line South 18 degrees 30 minutes West 155 feet to intersect the Zoning Line Between RC2 and RC5 Zones; thence binding on said Zoning Line North 82 degrees 10 minutes 55 seconds East 345.84 feet to intersect the last line of the deed first mentioned herein; thence binding on said last line North 71 degrees 11 minutes 30 seconds West 310 Feet to the place

Containing 0.5515 Acres of Land, more or less

Deputy Zoning Commissioner for Baltimore County

- 4-

time as the 30-day appellate process from this Order

has expired. If, for whatever reason, this Order is

reversed, the relief granted herein shall be rescinded.

2) Within sixty (60) days of the date of this Order,

the Petitioners shall cause to be prepared the appro-

priate deeds of conveyance for the subject .56 acre

parcel of land from Premelia DeCorse to Karen DeCorse

Snyder and her husband, Gino Snyder, and the 7.35 acre

parcel zoned R.C. 2 which shall be utilized for non-

3) Within sixty (60) days of the date of this Order

and/or prior to the issuance of any occupancy permits,

the Petitioners shall submit a revised site plan which

sets forth the modified relief granted herein. Said

plan shall be incorporated into the case file and made

4) The 7.35 acre parcel zoned R.C. 2 shall be used

for non-density purposes. The Petitioners shall be

prohibited from constructing any non-agricultural

5) Compliance with the comments submitted by J.

Lawrence Pilson, Development Coordinator, Department

of Environmental Protection and Resource Management

6) When applying for any permits, the site plan

filed must reference this case and set forth and ad-

questing approval of the creation of the .56 acre parcel zoned R.C. 5 as a

non-density parcel, in accordance with Petitioner's Exhibit 1, be and the

1T IS FURTHER ORDERED that the Petition for Special Hearing re-

density purposes only.

a part of the record.

structures on said lot.

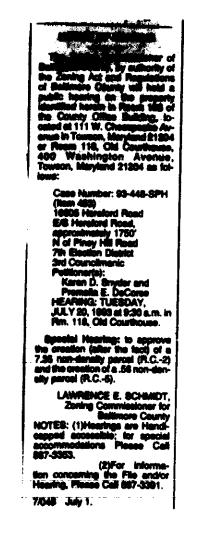
same is hereby DENIED.

(DEPRM), dated July 19, 1993.

dress the restrictions of this Order.

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY OR HILL COST

Tours	Maryland 75 -7717-377
Posted for: Special Hearing	Date of Posting 4/30/93
Petitioner: November 170-21-110	P. Lon.
Location of property: 16605 Hove Ford	KT (4/2) 1129, W/134 HIN BY
ocation of Signer Facing for Lway , s	to der of roodway by soporty
Remarks:	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~
Posted bySignature Stumber of Signature	Date of return: 7/2/93



CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ___ weeks, the first publication appearing on $_$

THE JEFFERSONIAN.

Monkton, Maryland 21111

Case No. 93-448-SPH

Dear Mr. DeCorse:

File

93-448-5PH

Karen Smyder + Prenelic De Corse 10605 Herford Rcl

2 -030 - SPECIAL HIARMY 100.00 1-080-15:91

135.00

OZAOZNOOJ TRI CHRC PA CO03:32PHO6-15-93

The street of th

111 West Chesapeake Avenue Towson, MD 21204

(410) 887-3353

JUNE 25, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapseks Avenue in Towson, Maryland 21204

Baltimore County Government Office of Zoning Administration

and Development Management

Room 118, Old Courthouse, 400 Heshington Avenue, Towson, Maryland 21204 as follows:

Case MRMER: 93-448-SPH (Item 453) 16605 Hereford Road E/S Hereford Road, approximately 1750' M of Piney Hill Road 7th Election District - 3rd Councilmanic Petitioner(s): Karen D. Snyder and Premelia E. DeCorse HEARING: TUESDAY, JULY 20, 1993 at 9:30 a.m. in Rm. 118, Old Courthouse.

Special Hearing to approve the creation (after the fact) of a 7.35 non-density parcel (R.C.-2) and the creation of a .56 non-density parcel (R.C.-5).

cc: Premelia E. DeCorse/824 E. Piney Hill Road/Monkton MD 21111 Karen D. Snyder/3535 Buena Vista Avenue/Baltimore MD 21211 Robert E. DeCorse, Sr./10916 York Road/Cockeysville MD 21030

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353. (3) FOR IMPORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed on Recycled Paper

111 West Chesapeake Avenue

Towson, MD 21204

(410) 887-3353

July 14, 1993

Ms. Karen D. Snyder 3535 Buena Vista Avenue Baltimore, MD 21211

> RE: Case No. 93-448-SPH, Item No. 453 Petitioner: Karen D. Snyder, et al Petition for Special Hearing

Baltimore County Government

Office of Zoning Administration

and Development Management

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on June 15, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

4. The house, well and septic will be located entirely within the P.C. 5 zone

and no encroachment into the R.C. 2 is proposed.

Printed on Recycled Paper

State Highway Administration

O. James Lighthizer Secretary Hal Kassoff Administrator

6 24-93

Re: Baltimore County Item No.: 453 (CAM)

Ms. Helene Kehring Zoning Administration and Development Management County Office Building

Dear Ms. Kehring:

111 W. Chesapeake Avenue

Towson, Maryland 21204

Room 109

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

John Contestabile, Chief **Engineering Access Permits**

Teletypewriter for impaired Hearing or Speech 383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-5062 Statewide Toll Free 707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

DATE: July 8, 1993

SUBJECT: 16605 Hereford Road

Item Number:

453

Petitioner: Property Size:

SUMMARY OF RECOMMENDATIONS:

R.C. 2 / R.C. 5 Zoning: Requested Action:

Hearing Date:

453.ZAC/ZAC1

Staff met with the applicant prior to the filing of this Petition. It is our understanding that Mrs. DeCorse wishes to provide a building lot to her granddaughter, Karen DeCorse Snyder.

Based upon the information provided, analysis conducted and consultation with Wally Lippincott, Agricultural Preservation Program Coordinator, this office recommends that the applicant's request be granted based upon the following.

- 1. The applicant's site is not located within an Agricultural Preservation Area as indicated in the Baltimore County Master Plan.
- 2. The subject property is located within close proximity to a rural residen-
- 3. The immediate area is primarily comprised of small farms and residential properties and the Petitioner's proposal is not inconsistent with the uses.

453.2AC/ZAC1

PK/JL:lw

Zoning Plans Advisory Committee Comments

Date: July 14, 1993

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

If you have any questions concerning the enclosed comments, please feel free to contact Helene Kehring in the Zoning Office at 887-3391 or the commenting agency.

Zoning Coordinator

WCR:hek Enclosures c: Mr. Robert E. DeCorse, Sr.

10916 York Road Cockeysville, MD 21030

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

July 19, 1993

Mr. Arnold Jablon, Director Zoning Administration and Development Management

J. Lawrence Pilson Development Coordinator, DEPRM

SUBJECT: Zoning Item #453 \(\gamma 3 -448 - 5 PH\) DeCorse Property, 16605 Hereford Road Zoning Advisory Committee Meeting of June 28, 1993

¿ZONING COMMISSIONER'

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

- 1. In order to subdivide this property, the owner or developer will be required to comply with the subdivision regulations of the State of Maryland and Baltimore County.
- 2. Soil Percolation Tests must be conducted.
- The request to locate the house in the RC5 portion of the property and keep the RC2 farmland open is in keeping with the DEPRM prime and productive soil policies.
- 4. The request to subdivide 7.5 acres off an RC2 property can be granted as an exception because it will not be used for building purposes, it is consistent with the small farm type properties in the vicinity on the east of Hereford Road, and it will not have a significant detrimental impact on agricultural land resources.

If there are any questions regarding the subdivision process, please contact the Land Development Section at 887-3980.

JLP:jbm

Pg. 2

DECORSE/TXTSBP

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: Zoning Advisory Committee Captain Jerry Pfeifer SUBJECT: July 06, 1993 Meeting

No Comments 43 - 448 - 5PH = 7/30No Comments

Building shall be in compliance with 1991 Life Safety Code

No Comments #461 No Comments

DATE: June 28, 1993

DEGEOVE D

ZONING COMMISSIONER

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSIONER E/S Hereford Rd., approx. 1750' N of Piney Hill Rd. (16605 Hereford Rd.),

E. DeCORSE, Petitioners

: OF BALTIMORE COUNTY : Case No. 93-448-SPH

6234-93

7th Election District
3rd Councilmenic District KAREN D. SNYDER AND PREMELIA

ENTRY OF APPEARANCE

::::::

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman People's Counsel for Baltimore County

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue Towson, Maryland 21204 (410) 887-2188

I HEREBY CERTIFY that on this 13th day of July , 1993, a copy of the toregoing Entry of Appearance was mailed to Karen D. Snyder, 3535 Buena Vista Ave., Baltimore, MD 21211, and Premelia E. DeCorse, 824 E. Piney Hill Rd., Monkton, MD 21111, Petitioners.

Peter Max Zimmerman

Manked Capy)

MR/jhk W-0030-3145(GT)

DEED 93-448-5PH

THIS DEED, made this 31% day of Beaulist in the year one thousand nine hundred and eighty-eight, by and between PREMELIA E. DeCORSE, of Baltimore County, in the State of Maryland, Grantor, and Granton and Granton and Granton Grantes.

WITNESSETH, that in consideration of the sum of FIVE DOLLARS (\$5.00) and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said Premelia E. DeCorse, does grant and convey unto the said Karen DeCorse Snyder, her heirs, personal representatives and assigns, in fee simple, an undivided one-quarter (1/4) interest in and to all that lot or parcel of land, situate, lying and being in the Seventh Election District of Baltimore County, Maryland, which, according to a description of John Dew, Registered Land Surveyor, dated December 9, 1988, is described as follows, that is to say:--

Beginning for the same at a point in the roadbed of Hereford Road at the beginning point of the whole tract of land which by deed dated June 16, 1955 was conveyed by Bettie W. Price, widow, to Ellsworth B. DeCorse and Premelia E. DeCorse and recorded among the Land Records of Baltimore County in Liber GLB 2718, folio 452, as surveyed in May 1955 by H.S. Morfoot and Associates; thence binding on the first and part of the second line of said conveyance as part of the second line of said conveyance as surveyed in 1955 and running in or along the roadbed of said Hereford Road, the two following courses and distances:

1.) South 26 degrees 10 minutes West 569.5 2.) South 18 degrees 30 minutes West
492.18 feet; thence leaving the
outline of said whole tract for new lines of
division now established, the two following nern
courses and distances:

50 CLERK

1.) South 71 degrees 30 minutes East, 432.89 feet, and 2.) North 18 degrees 30 minutes East
1054.67 feet to intersect the last line of the
whole tract of land of which this parcel is a
portion; thence binding on a part of said last
line North 71 degrees 11 minutes 30 seconds
West 356.92 feet to the place of beginning, and containing 10.0000 acres of land, more or less.

BEING an undivided one-quarter (1/4) interest in a part of all that same lot or parcel of land, which

by Deed of Bettie W. Price; widow; dated June 16; 1955 and recorded among the Land Records of Baltimore PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET PREHELIA E. DECORSE ROBERT E. DE CORSE P.O. Box 366 HUNT VALLEY MD

